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LAW AND REGULATIONS

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KENTUCKY REVISED STATUTES
BOARD OF PHYSICAL THERAPY
CHAPTER 327

(effective July 14, 2000)

327.010 Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) **"Physical therapy"** means the use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry and evaluation and invasive or noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy. Physical therapy includes screening or evaluations performed to determine the degree of impairment of relevant aspects such as, but not limited to, nerve and muscle function including subcutaneous bioelectrical potentials, motor development, functional capacity and respiratory or circulatory efficiency. Physical therapy also includes physical therapy treatment performed upon referral by a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry including, but not limited to, exercises for increasing or restoring strength, endurance, coordination and range of motion, stimuli to facilitate motor activity and learning, instruction in activities of daily living and the use of assistive devices and the application of physical agents to relieve pain or alter physiological status. The use of roentgen rays and radium for diagnostic or therapeutic purposes, the use of electricity for surgical purposes, including cauterization and colonic irrigations are not authorized under the term "physical therapy" as used in this chapter.
- (2) **"Physical therapist"** means a professional person who has met the educational requirements of this chapter and who is licensed to practice physical therapy pursuant to this chapter.
- (3) **"Board"** means the State Board of Physical Therapy established by KRS 327.030.
- (4) **"Referral"** means the procedure by which a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry designates the initiation of physical therapy treatment by a licensed physical therapist.
- (5) **"Temporary permit"** means a permit granted to an individual who has met all requirements in Kentucky for license application by examination and has made application for examination but who has not yet successfully completed the board approved examination in this or another state.

327.020 License required -- Exception -- Use of designation or name

- (1) No person shall practice or hold himself out as being able to practice physical therapy in any manner whatsoever unless he meets the educational requirements of this chapter, is licensed in accordance with the provisions of this chapter, he is in good standing with the board and his license is not suspended or revoked. Provided, however, that nothing contained in this chapter shall prohibit any person licensed in this state under any other law from engaging in the practice for which such person is duly licensed. Nothing contained in this chapter shall prohibit routine and restorative services performed by personnel employed by hospitals, physicians or licensed health care facilities as relates to physical therapists. This chapter does not preclude certified occupational therapists, respiratory technicians or respiratory therapists from practicing as defined in the United States Department of Health, Education and Welfare, Public Health Service, Health Resources Administration, Bureau of Health Manpower, DHEW publication No. (HRA) 80-28, "A Report On Allied Health Personnel." Provided further that persons regularly employed by the United States shall be exempted from the provisions of this chapter while engaged in such employment.
- (2) A licensed physical therapist may hold himself out as a "physical therapist" or "licensed physical therapist" and may use the abbreviations "P.T." or "L.P.T." as a part of or immediately following his name, in connection with his profession.
- (3) It shall be unlawful for any person, or for any business entity, its employees, agents or representatives to use in connection with his or its name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," the letters "P.T.," "L.P.T." or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical

therapy is provided or supplied or to bill for physical therapy unless such physical therapy is provided by or under the supervision of a physical therapist licensed and practicing in accordance with this chapter.

**KRS 327.025 Obligation to report concerning practitioners qualifications to practice
(Mandatory reporting of infractions by PT, PTA, or Employer)**

Any physical therapist, physical therapist's assistant, or employer of physical therapy practitioners having knowledge of facts by actual or direct knowledge shall report to the board of physical therapy a physical therapist or physical therapist's assistant who:

- (1) Has been convicted of a felony that involved acts that bear directly on the qualifications or ability of the applicant, licensee, or certificate holder to practice physical therapy;
- (2) Is suspected of fraud or deceit in procuring or attempting to procure a license to practice physical therapy or of negligently performing actions that justify action against a physical therapist or physical therapist's assistant's license as identified in subsection (2) of Section 7 of this Act;
- (3) Has had a license to practice as a physical therapist or a certificate as a physical therapist's assistant denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause a license or certificate to be denied, limited, suspended, probated, or revoked in this Commonwealth; or
- (4) Is practicing physical therapy without a current active license, certificate, or valid temporary permit issued by the board.

KRS 327.030 STATE BOARD OF PHYSICAL THERAPY - MEMBERSHIP - QUALIFICATIONS – VACANCIES

There is hereby established a State Board of Physical Therapy which shall consist of seven (7) members who shall be appointed by the Governor.

- (1) One (1) member shall be a citizen at large who is not affiliated with and does not have more than five percent (5%) financial interest in any one (1) health care profession or business.
- (2) All other members shall be appointed and vacancies shall be filled from a list of five (5) persons per position submitted by the Kentucky Physical Therapy Association shall be residents of Kentucky and shall have engaged in the unrestricted practice of physical therapy within this state for at least two (2) years without disciplinary action
- (3) All appointments to the board after the effective date of this Act shall be for a term of four (4) years and until their successors are appointed and qualify. No member shall serve for more than two (2) successive terms, or for more than ten (10) consecutive years. The Governor may remove any member of the board for misconduct, incompetence, or neglect of duty.
- (4) The board shall annually elect a chairman, a secretary, and chairman-elect.
- (5) There shall be no liability on the part of, and no action for damages against, any current or former board member, representative, agent, or employee of the board, when the person is functioning within the scope of board duties, acting without malice and with the reasonable belief that the actions taken by him or her are warranted by law.
- (6) Each board member shall receive, in addition to travel, lodging, and other actual and necessary expenses, a per diem not to exceed one hundred twenty dollars (\$120) for each day the member is actually engaged in the discharge of official duties approved by the board. The board shall, by promulgation of administrative regulations, set the amount of the per diem.

KRS 327.040 Duties and powers of the board

- (1) It shall be the duty of the State Board of Physical Therapy to receive applications from persons desiring to become physical therapists and to determine whether said applicants meet the qualifications and standards required by this chapter of all physical therapists. The board shall also be charged with enforcement of the provisions of this chapter.
- (2) The board is an agency of state government with the power to institute criminal proceedings in the name of the Commonwealth against violators of this chapter, and to institute civil proceedings to enjoin any violation of this chapter. The board shall investigate every alleged violation of this chapter coming to its notice and shall take action as it may deem appropriate. It shall be the duty of the Attorney General, the Commonwealth's attorneys, and the county attorneys to assist the board in prosecuting all violations of this chapter.
- (3) The board shall meet at least once each quarter at such place in this state as may be selected by the board. Four (4) members of the board shall constitute a quorum for the transaction of business. All meetings shall be held at the call of the chairman or at a call of a quorum of members upon not less than ten (10) days' written notice, unless notice shall be waived. The presence of any member at any meeting of the board shall constitute a waiver of notice thereof by the member.
- (4) The board may conduct investigations and schedule and conduct administrative hearings in accordance

with KRS Chapter 13B, to enforce the provisions of this chapter or administrative regulations promulgated pursuant to this chapter. The board shall have the authority to administer oaths, receive evidence, interview persons, issue subpoenas, and require the production of books, papers, documents, or other evidence. In case of disobedience to a subpoena, the board may invoke the aid of the Franklin Circuit Court. Any order or subpoena of the court requiring the attendance or testimony of witnesses or the production of documentary evidence may be enforced and shall be valid anywhere in the Commonwealth.

- (5) The board shall keep a minute book containing a record of all meetings of the board.
- (6) The board shall maintain a register of all persons licensed or certified under this chapter. This register shall show the name of every licensee or certificate holder in this state, his current business and residence address and telephone numbers, and the date and number of his license or certificate. A licensee or certificate holder shall notify the board of a change of name, address, or telephone number, within thirty (30) days of the change.
- (7) The board's records shall be updated annually.
- (8) The board shall publish annually and make available, a current directory of all licensed physical therapists and certified physical therapists' assistants.
- (9) The board shall adopt a seal which shall be affixed to every license and certificate granted by it.
- (10) The board may promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of this chapter pursuant to the provisions of KRS Chapter 13A.
- (11) The board shall promulgate by administrative regulation a code of ethical standards and standards of practice.
- (12) The board shall have the right to regulate physical therapists' assistants and may promulgate reasonable administrative regulations regarding certification, limitations of activities, supervision, and educational qualifications for physical therapists' assistants. The board may establish reasonable fees for the certification, renewal, and endorsement of physical therapists' assistants. The fees shall not exceed corresponding fees for physical therapists.
- (13) The board shall promulgate administrative regulations governing the physical and mental examination of physical therapists, physical therapists' assistants, or applicants, who may be impaired by reason of a mental, physical, or other condition that impedes their ability to practice competently. For purposes of enforcing this section, the board shall have the power to order an immediate temporary suspension in accordance with KRS 13B.125 if there is a reasonable cause to believe that a physical therapist, physical therapist's assistant, or applicant may be impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently.

KRS 327:045 Impaired physical therapy practitioners committee (IPTPC): purpose - assessments to support functions – immunity of members – privileged information – annual report

- (1) The board shall establish an impaired physical therapy practitioners committee to promote the early identification, intervention, treatment, and rehabilitation of physical therapists and physical therapists' assistants who may be impaired by reason of illness or of alcohol or drug abuse, or as a result of any physical or mental condition.
- (2) The board may enter into a contractual agreement with a nonprofit corporation, physical therapy professional organization, or similar organization for the purpose of creating, supporting, and maintaining an impaired physical therapy practitioners committee.
- (3) The board may promulgate administrative regulations in accordance with KRS Chapter 13A to effectuate and implement a committee formed by the provisions of this section.
- (4) Beginning January 1, 2001, the board shall collect an assessment fee not to exceed twenty dollars (\$20) per licensee or certificate holder, payable to the board, to be added to each licensure and certification renewal application fee. Proceeds from the assessment shall be expended on the operation of an impaired physical therapy practitioner committee formed by the provisions of this section. The fee shall be set by the promulgation of administrative regulations.
- (5) Members of an impaired physical therapy practitioners committee, any administrator, staff member, consultant, agent, volunteer, or employee of the committee acting within the scope of their duties and without actual malice, and all other persons who furnish information to the committee in good faith and without actual malice shall not be liable of any claim or damages as a result of any statement, decision, opinion, investigation, or action taken by the committee or by an individual member of the committee.
- (6) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the impaired physical therapy practitioners committee, all communication to or from the committee, and all proceedings, findings, and conclusions of the committee including those relating to intervention, treatment, or rehabilitation, which in any way pertain or refer to a physical therapist or physical therapist's

- assistant who is or may be impaired, shall be privileged and confidential.
- (7) All records and proceedings of the committee that pertain or refer to a licensee or a certificate holder who may be, or actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records and shall not be subject to court subpoena and subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as described in subsection (8) of this section.
 - (8) The committee may disclose information relative to an impaired physical therapist or physical therapist's assistant only when:
 - (a) It is essential to disclose the information to persons or organizations needing the information in order to address the intervention, treatment, or rehabilitation needs of the impaired practitioner;
 - (b) Its release is authorized in writing by the impaired physical therapist or physical therapist's assistant; or
 - (c) The information is subject to court order.
 - (9) The impaired physical therapy practitioners committee shall make an annual report to the board.

KRS 327.050 - LICENSING PROVISIONS

- (1) Before applying for licensure by the board as a physical therapist, a person shall have successfully completed an accredited program in physical therapy approved by the board and shall have fulfilled the requirements of KRS 214.615(1). No school shall be approved by the board unless it has been approved for the educational preparation of physical therapists by the recognized national accrediting agency for physical therapy educational programs.
- (2) Any person who possesses the qualifications required by this chapter and who desires to apply for licensure as a physical therapist in Kentucky shall make written application to the board, on forms to be provided by the board. The application shall be accompanied by a nonrefundable application fee in an amount to be determined by the board, but not to exceed two hundred fifty dollars (\$250).
- (3) If it appears from the application that the applicant possesses the qualifications required by this chapter and has not yet successfully completed the board-approved examination, the applicant shall be allowed to sit for the examination and tested in the subjects the board may determine to be necessary.
- (4) Examinations shall be held within the state at least once a year at the time and place as the board shall determine.
- (5) An applicant who is admitted to the examination or an applicant who has submitted satisfactory evidence that he has been accepted as a candidate for licensure by examination in a state which offers an examination approved by the board may be granted a temporary permit which shall be valid until his examination is graded and he is notified by the board of his score. The board may summarily withdraw a temporary permit upon determination that the person has made any false statement to the board on the application, or the person fails to pass an examination approved by the board.
- (6) An applicant who receives a passing score as determined by the board and who meets the other qualifications required by this chapter shall be licensed as a physical therapist.
- (7) An applicant who fails to receive a passing score on his examination shall not be licensed; but the board may, by administrative regulation, permit applicants to take the examination more than once.
- (8) All licenses and certificates shall be renewed biennially, upon payment on or before March 31 of each uneven numbered year of a renewal fee in an amount to be promulgated by the board by administrative regulations. Any licensed or certified person seeking renewal shall retain for three (3) years proof of the completion of the course described in KRS 214.610(1) on the form provided by the cabinet.
- (9) Licenses and certificates which are not renewed by March 31 of each uneven numbered year shall lapse.
- (10) This chapter shall not be construed to affect or prevent:
 - (a) A student of physical therapy from engaging in clinical practice under the supervision of a licensed physical therapist, as part of the student's educational program;
 - (b) A physical therapist who is licensed to practice in another state or country from conducting or participating in a clinical residency under the supervision of a physical therapist licensed in Kentucky and for a period of not more than ninety (90) days;
 - (c) A physical therapist who is licensed to practice in another state or country from conducting or participating in the teaching of physical therapy in connection with an educational program and for a period of not more than ninety (90) days;
 - (d) A physical therapist licensed in another state or country from performing therapy on members of the out-of-state sports or entertainment group they accompany to Kentucky; or
 - (e) The practice of chiropractic as defined in KRS 312.015(3).

KRS 327.060 LICENSING REQUIREMENTS FOR PERSONS HOLDING A LICENSE IN ANOTHER STATE AND PERSONS EDUCATED IN A FOREIGN COUNTRY

- (1) The board shall issue a license to:
 - (a) An individual who holds a valid license from another state, who meets requirements specified in KRS 327.050 and who has no imposed or pending disciplinary actions.
 - (b) An individual who has been educated as a physical therapist outside the United States and who has:
 1. Completed the application process;
 2. Provided satisfactory evidence to the board that his or her education is substantially equivalent to the requirements for physical therapists educated in United States accredited educational programs;
 3. Provided written proof that the school of physical therapy education outside the United States is recognized by its own ministry of education;
 4. Successfully completed the examinations provided for in KRS 327.050;
 5. Passed the board approved English language proficiency examinations if English is not his or her native language;
 6. Successfully completed, prior to licensure, a board-approved, supervised practice period of not less than three (3) months nor more than six (6) months, under the direct supervision of a physical therapist who holds an unrestricted Kentucky license. This requirement may be satisfied by at least three (3) months of supervised practice as a physical therapist in a state with license requirements comparable to or more stringent than those of Kentucky;
 7. Fulfilled the requirements of KRS 214.615(1);
 8. Provided proof of legal authorization to reside and seek employment in the United States or its territories;
 9. Provided proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred;
 10. Submitted to a prescreening process by an agency approved by the board; and
 11. Submitted educational credentials to the board for evaluation by an agency approved by the board.
- (2) The board may approve an agency to prescreen applicants for initial licensure under this section.
- (3) The board may approve one (1) or more services to provide an evaluation of the applicant's educational credentials for board approval for licensing under this section.
- (4) The board may waive the requirements of subparagraphs 3, 10, and 11 of paragraph (b) of subsection (1) of this section if the applicant is a graduate of a professional physical therapy education program pre-approved by the board.

KRS 327.070 - REFUSAL, SUSPENSION, REVOCATION OF LICENSE, PROBATION OF LICENSE AND ADMINISTRATIVE WARNING TO LICENSEE

- (1) The board, after due notice and an opportunity for an administrative hearing conducted in accordance with KRS Chapter 13B may take any one (1) or a combination of the following actions against any licensee, certificate holder, or applicant:
 - (a) Refuse to license or certify any applicant;
 - (b) Refuse to renew the license or certificate of any person;
 - (c) Suspend or revoke or place on probation the license or certificate of any person;
 - (d) Impose restrictions on the scope of practice of any person;
 - (e) Issue an administrative reprimand to any person;
 - (f) Issue a private admonishment to any person; and
 - (g) Impose fines for violations of this chapter not to exceed two thousand five hundred dollars (\$2,500).
- (2) The following acts by a licensee, certificate holder, or applicant may be considered cause for disciplinary action:
 - (a) Indulgence in excessive use of alcoholic beverages or abusive use of controlled substances;
 - (b) Engaging in, permitting, or attempting to engage in or permit the performance of substandard patient care by himself or by persons working under his supervision due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established;
 - (c) Having engaged in or attempted to engage in a course of lewd or immoral conduct with any person.
 1. While that person is a patient of a health care facility defined by KRS 216B.015(10) where the physical therapist or physical therapist's assistant provides physical therapy services; or

- 2. While that person is a patient or client of the physical therapist or physical therapist's assistant;
 - (d) Having sexual contact, as defined by KRS 510.010(7), without the consent of both parties, with an employee or coworker of the licensee or certificate holder;
 - (e) Sexually harassing an employee or coworker of the licensee or certificate holder;
 - (f) Conviction of a felony or misdemeanor in the courts of this state or any other state, territory, or country which affects his ability to continue to practice competently and safely on the public.
"Conviction," as used in this subsection, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
 - (g) Obtaining or attempting to obtain a license or certificate by fraud or material misrepresentation or making any other false statement to the board;
 - (h) Engaging in fraud or material deception in the delivery of professional services, including reimbursement, or advertising services in a false or misleading manner;
 - (i) Evidence of gross negligence or gross incompetence in his practice of physical therapy;
 - (j) Documentation of being declared mentally disabled by a court of competent jurisdiction and not thereafter having had his rights restored;
 - (k) Failing or refusing to obey any lawful order or administrative regulation of the board;
 - (l) Promoting for personal gain an unnecessary device, treatment, procedure, or service, or directing or requiring a patient to purchase a device, treatment, procedure, or service from a facility or business in which he has a financial interest; and
 - (m) Being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently.
- (3) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l). A private admonishment shall not constitute disciplinary action but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee, certificate holder, or applicant.

KRS 327.075 REINSTATEMENT OF A LICENSE

- (1) The board may reinstate within three (3) years a license or certificate which has lapsed, upon payment of the prescribed renewal fee and, in addition, the payment of a reinstatement fee to be promulgated by the board by administrative regulations.
- (2) The board may reinstate a license or certificate which has been lapsed for more than three (3) years, upon showing that the applicant is able to practice with reasonable competency. In determining competency, the board may require the applicant to successfully complete all or any part of the required examination.
- (3) The board may reinstate a license which has been suspended or revoked under provisions of this chapter, if after a hearing conducted in accordance with KRS Chapter 13B, the board determines the applicant is able to practice the profession with reasonable competency and is able to maintain the ethical code and standards of practice promulgated by administrative regulation. As a condition of reinstatement, the board may impose reasonable restrictions under which the licensee or certificate holder shall practice.
- (4) Any person aggrieved by a final order of the board denying, suspending, or revoking his license or certificate may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.

KRS 327.080 - EXPENSES OF THE BOARD

- (1) All fees received by the board and collected under this chapter or the administrative regulations adopted in accordance with this chapter shall be deposited with the State Treasurer and credited to the revolving fund of the board, a trust and agency fund, to be used by the board in defraying the costs and expenses of the board in the administration of the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.
- (2) The board may employ an executive director and other personnel and may purchase such materials and supplies as it may deem necessary for the proper discharge of its duties.

KRS 327.090 – Repealed, 1996

KRS 327.100 - Short title.

This chapter may be cited as the "Physical Therapy Practice Act."

KRS 327.200 – Duty of treating physical therapist utilizing telehealth to ensure patient's informed consent and maintain confidentiality – Board to promulgate administrative regulations – Definition of "telehealth."

- (1) A treating physical therapist who provides or facilitates the use of telehealth shall ensure:
 - (a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and
 - (b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.
- (2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:
 - (a) Prevent abuse and fraud through the use of telehealth services;
 - (b) Prevent fee-splitting through the use of telehealth services; and
 - (c) Utilize telehealth in the provision of physical therapy and in the provision of continuing education.
- (3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

KRS 327.990 – Penalties.

- (1) Each violation of KRS 327.020 shall constitute a misdemeanor and be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or both, for the first offense. Each subsequent violation thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment for not less than thirty (30) days nor more than ninety (90) days or both.
- (2) Any person who shall knowingly make a false statement in his application for licensure under this chapter, or in response to any proper inquiry by the board, shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than six (6) months, or both.
- (3) The Attorney General, commonwealth attorney, county attorney or, upon majority vote of the board, any member thereof may apply for injunctive relief in any court of competent jurisdiction to enjoin any person or entity from committing an act in violation of this chapter. The injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies in this chapter.

**ADMINISTRATIVE REGULATIONS
BOARD OF PHYSICAL THERAPY
201 KAR CHAPTER 22**

201 KAR 22:010. Objectives of physical therapy.

RELATES TO: KRS 327.010

STATUTORY AUTHORITY: KRS 327.040

NECESSITY, FUNCTION, AND CONFORMITY: The practice of physical therapy is rapidly evolving and changing in purpose and scope. The purpose of this administrative regulation is to define clearly the desired goals of physical therapy and the permissible means of achieving these goals. In this manner, standards of physical therapy practice are clearly established and may be used to evaluate particular treatments which have been used or which may later evolve.

Section 1. Goals of the patient-physical therapy unit include, but are not limited to, maintaining health, preserving functional capacity, and in the presence of impairment, developing or reestablishing function through carefully planned, and implemented programs. In order to reach these objectives, the physical therapist provides consultation, evaluates patients, identifies problems, plans programs, and provides direct treatment.

Section 2. Patient Management. Adequate, effective, and efficient patient care is the ultimate goal of physical therapy. The physical therapist evaluates each patient, and determines those ways in which he can contribute to total health management. He then plans and implements a treatment program, reevaluating and making modifications as necessary. A physical therapist shall refer to a licensed physician or dentist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist. When basis for treatment is referral, the physical therapist may confer with the referring physician, podiatrist, dentist, or chiropractor. (2 Ky.R. 76; eff. 9-10-75; Am. 7 Ky.R. 310; 442; eff. 11-6-80; 11 Ky.R. 734; eff. 12-11-84; 13 Ky.R. 901; eff. 12-2-86.)

201 KAR 22:020. Method of applying for licensure.

RELATES TO: KRS 327.050

STATUTORY AUTHORITY: KRS 327.040(10), 327.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.050 establishes the licensing provisions for physical therapists. This administrative regulation describes the criteria for eligibility, methods, and procedures of applying for a license to practice physical therapy in Kentucky.

Section 1. To be eligible to sit for the licensure examination, the applicant shall:

- (1) Have successfully completed the academic and clinical requirements of a physical therapy program accredited by the CAPTE (Commission on Accreditation in Physical Therapy Education);
- (2) Submit certification of completion by the educational administrator of that program;
- (3) Have completed an educational course at least four (4) hours in length which has been approved by the Cabinet for Health Services (CHS) on the transmission, control, treatment and prevention of human immunodeficiency virus infection and AIDS;
- (4) Submit a completed:
 - (a) Application for Licensure as a Physical Therapist; or
 - (b) Application for Certification as a Physical Therapist's Assistant; and
- (5) Submit the correct fee as required in 201 KAR 22:135.

Section 2. To be eligible for licensure application by endorsement, the applicant shall:

- (1) Meet the requirements established in Section 1 of this administrative regulation; and
- (2) Have successfully completed the examination required by 201 KAR 22:031, Section 1(2).

Section 3. Candidates shall be accepted for licensure based on successful completion of one (1) of the following processes:

- (1) Examination;
- (2) Endorsement; or
- (3) Reinstatement.

Section 4.

- (1) The following material is incorporated by reference:
 - (a) "Application for Licensure as a Physical Therapist 11/08/01"; and

- (b) "Application for Certification as a Physical Therapist's Assistant 02/01/01".
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Physical Therapy, 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. (PTB-Rg-1-1; 2 Ky.R. 77; eff. 9-10-75; Am. 5 Ky.R. 809; eff. 6-6-79; 7 Ky.R. 310; 442; eff. 11-6-80; 825; eff. 6-3-81; 11 Ky.R. 735; eff. 12-11-84; 18 Ky.R. 334; eff. 9-24-91; 27 Ky.R. 2224; 2726; eff. 4-9-2001; 28 Ky.R. 1448; 1795; eff. 2-7-2002.)

201 KAR 22:031. Therapist's licensing procedure.

RELATES TO: KRS 327.050, 327.060, 327.080

STATUTORY AUTHORITY: KRS 327.040

NECESSITY, FUNCTION, AND CONFORMITY: The purpose of this administrative regulation is to define clearly the procedure for issuing licenses. This administrative regulation standardizes the administrative procedures involved in granting a physical therapy license through the various means of qualifying.

Section 1. Any candidate for licensure by examination shall first satisfy all application requirements, including payment of the application fee established in 201 KAR 22:135.

- (1) An administrative fee of ten (10) dollars shall be paid to the board by the applicant seeking reexamination.
- (2) Upon approval as a candidate by the board, the board shall grant approval to sit for the National Physical Therapy Examination (NPTE)

Section 2. When the credentials of the applicant are in order, application fee submitted, approval to sit for the examination has been granted by the board and the board is in receipt of a completed "Supervisory Agreement Statement", a temporary permit shall be issued to be in force until the results of that examination are received for the candidate.

Section 3.

- (1) A temporary permit requires that the physical therapist applicant shall work only under the supervision of a physical therapist licensed and practicing in Kentucky.
- (2) Supervision requires the responsible therapist to be available and accessible by telecommunications at all times during the working hours of the person with a temporary permit.
- (3) The supervising therapist shall be responsible for the direction of the actions of the person supervised when services are performed by the person with a temporary permit including cosigning all evaluations and physical therapy recordings within fourteen (14) days.
- (4) The date of the record review shall be noted.
- (5) The board may issue a temporary permit only to:
 - (a) Graduates who have applied for licensure by examination, have met all requirements and are sitting for the NPTE.
 - (b) Foreign-educated physical therapist applicants who have met all requirements for licensure application provided for in KRS 327.060(2), except that the applicant has not yet taken the NPTE or has not yet begun or completed the mandatory, board approved, supervised employment as a physical therapist established in 201 KAR 22:070.
 - (c) Graduates who have been accepted as a candidate for licensure by computer-based examination in another state and who have met all requirements for Kentucky application but who have not yet taken that examination.
- (6) The board may require any applicant for a temporary permit to submit, or cause to be submitted, a NPTE test verification history service report with the board before the applicant is eligible to receive a temporary permit.

Section 4. The following candidates shall be ineligible to practice as a physical therapist in any manner in Kentucky until they have successfully completed the board approved examination in this or another state:

- (1) A person who has failed the NPTE in this or another state or country.
- (2) A person who had qualified as an examination candidate but who did not sit for or complete the scheduled examination; and
- (3) An endorsement candidate whose NPTE scores do not meet Kentucky's requirements.

Section 5. Candidates examined by boards of other states and territories shall have registered with the Federation of State Boards of Physical Therapy (FSBPT) Score Transfer Service to have their examination results submitted to the board.

Section 6. The candidate for licensure by endorsement shall submit the regular license application form and pay the application fee established in 201 KAR 22:135.

- (1) The Kentucky State Board of Physical Therapy shall endorse a candidate who has taken the NPTE whose score meets the board's requirements and whose physical therapy license has never been revoked or suspended, and is currently

- not on probation or under disciplinary review in another state.
- (2) To be considered for licensure, a person examined prior to July 1, 1993 shall have achieved a score on the NPTE at least equal to the national average raw score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75); and thereafter, the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600.
- (3) Other examinations as determined by the board may be administered in lieu of, or in addition to the NPTE.

Section 7. The candidate for licensure through reinstatement may receive renewal of his license without further examination upon requesting reinstatement, furnishing all information required of a license renewal applicant in 201 KAR 22:040, payment of the reinstatement fee established in 201 KAR 22:135. Therapists who have not been licensed for three (3) years shall, in addition, be required to show evidence of professional competency, and provide verification that any license to practice in another state has not been disciplined or is not under current disciplinary review. Reinstatement of the candidate shall be at the board's discretion after evaluation of said evidence.

Section 8. A license, which shall be in effect until March 31st of the next uneven numbered year shall be issued by the board when it receives notice from the FSBPT that the candidate by examination has received a passing grade which shall be set based on the criterion referenced passing point set equal to a scaled score of 600, and when candidates by endorsement and foreign-educated candidates have met all requirements.

Section 9. The executive director of the board may function administratively to review, process and interpret all applications received by the board and correspond with the applicants accordingly.

Section 10.

- (1) "Supervisory Agreement Statement for Physical Therapists 04-12-90" is incorporated by reference.
- (2) This form may be inspected, copied, or obtained, subject to applicable copyright law, at the board office at 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, between 8 a.m. to 4:30 p.m. (7 Ky.R. 359; Am. 442; eff. 11-6-80; 825; eff. 6-3-81; 9 Ky.R. 731; eff. 1-6-83; 10 Ky.R. 778; eff. 1-4-84; 11 Ky.R. 415; eff. 10-9-84; 12 Ky.R. 215; eff. 9-10-85; 13 Ky.R. 902; eff. 12-2-86; 2020; eff. 7-2-87; 16 Ky.R. 1619; eff. 4-12-90; 17 Ky.R. 1141; eff. 11-29-90; 19 Ky.R. 2291; 2614; eff. 6-7-93; 21 Ky.R. 66; 916; eff. 8-17-94; 23 Ky.R. 171; eff. 8-21-96; 27 Ky.R. 1534; 2124; eff. 2-1-2001.)

201 KAR 22:035. Licensee's or certificant's change of name.

RELATES TO: KRS 327.040

STATUTORY AUTHORITY: KRS 327.040

NECESSITY AND FUNCTION: Provides the mechanism for a physical therapist or therapist's assistant to change the name under which originally licensed or certified.

Section 1. Physical Therapist. If a physical therapist wishes to be licensed in a name different from that in which the licensee is originally or currently licensed, that change shall be made only after submission of a legal document which authorizes such change.

Section 2. Assistant. If a physical therapist's assistant wishes to be certified in a name different from that in which the assistant is originally or currently certified, that change shall be made only after submission of a legal document which authorizes such change. (7 Ky.R. 360; eff. 11-6-80.)

201 KAR 22:040. Procedure for renewal of a physical therapist license or a physical therapist's assistant certificate.

RELATES TO: KRS 327.050(8), (9)

STATUTORY AUTHORITY: KRS 327.040(10), (12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.050(8) requires all licenses and certificates to be renewed biennially. This administrative regulation provides specific directions for the biennial renewal of these credential holders.

Section 1. Definition. "Credential holder" means a licensed physical therapist or a certified physical therapist's assistant who has met all requirements for licensure in 201 KAR 22:020 and has been credentialed by the board.

Section 2. A license or certificate may be renewed upon:

- (1) Payment of the renewal fee established in 201 KAR 22:135 on or before March 31st of each uneven numbered year; and
- (2) Submission of the Biennial Renewal Application with the following written information to the executive director of the board:

- (a) Current complete home address and telephone number, including county of residence;
- (b) Current, complete name(s) and address(es), telephone number(s), and county(ies) of each location in which physical therapy service is provided;
- (c) Physical therapist's assistant shall include the name and license number of the primary physical therapist supervisor at each Kentucky work location;
- (d) Confirmation of completion of a Cabinet for Health Services (CHS) approved two (2) hour course on the transmission, control, treatment and prevention of human immunodeficiency virus infection and AIDS, pursuant to KRS 214.615 in the biennial renewal period that it is due. This course shall be required not more than every ten (10) years upon notice by the board. The course shall be completed within the renewal biennial period that it is due;
- (e) Written confirmation that the person has not since his license or certificate was issued or renewed:
 - 1. Been convicted of a felony or any crime in the courts of this state or any other state, territory or country;
 - 2. Had his license disciplined or under current disciplinary review in another state;
 - 3. Had a civil judgment entered against him which concerned his practice;
 - 4. Engaged in any other conduct which was in violation of KRS 327.070. A person convicted or disciplined in the interim period before renewal of his or her license or certificate shall submit that information during that period for consideration by the board prior to license renewal. Notice of violation by a credential holder except minor traffic violations which do not involve substance abuse shall be reviewed by the board; or
 - 5. Be in default on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) per KRS 164.772 effective 7/15/02.

Section 3. If payment and complete information are not received by the executive director on or before March 31 of each uneven numbered year, the license or certificate shall lapse and the person shall not work as a credential holder in Kentucky.

Section 4. Upon initial licensing and each subsequent renewal, each credential holder shall be furnished:

- (1) A validation that shall be posted to the original wall certificate and displayed at the primary physical therapy service location; and
- (2) A billfold license which is a means of identifying a person holding himself out as a credential holder.

Section 5.

- (1) "Biennial Renewal Application 9/19/02" is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Physical Therapy at 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. (PTB-Rg-3-1; 2 Ky.R. 78; eff. 9-10-75; Am. 5 Ky.R. 342; eff. 1-3-79; 7 Ky.R. 223; 402; eff. 10-1-80; 10 Ky.R. 779; eff. 1-4-84; 11 Ky.R. 417; eff. 10-9-84; 13 Ky.R. 2022; eff. 7-2-87; 15 Ky.R. 1128; eff. 11-11-88; 18 Ky.R. 335; eff. 9-24-91; 27 Ky.R. 2225; 2726; eff. 4-9-2001; 28 Ky.R. 1449; 1796; eff. 2-7-2002; 29 Ky.R. 1307; 1762; eff. 1-15-2003.)

201 KAR 22:052. Complaint procedure and disciplinary action of licensee, certificant or applicant.

RELATES TO: KRS 327.040, 327.070

STATUTORY AUTHORITY: KRS 327.040(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(1) authorizes the board to regulate the practice of physical therapy. KRS 327.040(2) authorizes the board to investigate every alleged violation and take action, as it may deem appropriate. This administrative regulation is necessary to establish the procedure for filing a complaint and the action to be taken by the board on a complaint and disciplinary action of licensee, certificant or applicant of violation of KRS 327.020.

Section 1. Definitions.

- (1) "Complaint Committee" means a committee of the board that:
 - (a) Reviews an initiating complaint;
 - (b) Determines whether an investigation should be conducted; and
 - (c) Directs and reviews an investigation of the respondent.
- (2) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth a charge against a licensee, certificate holder or applicant and commences a formal disciplinary proceeding under KRS Chapter 13B.
- (3) "Initiating complaint" means any complaint that a person has allegedly violated the requirements of KRS Chapter 327 or the administrative regulations of the board.
- (4) "Respondent" means the person against whom an initiating complaint or formal complaint has been made.

Section 2. Initiating Complaint.

- (1) A complaint may be initiated by:

- (a) A member of the public;
- (b) A state or government agency; or
- (c) The board.
- (2) An initiating complaint shall:
 - (a) Be made in writing to the board and signed by the complainant unless the nature of the initiating complaint alleges an immediate danger to the health, safety and welfare of the public;
 - (b) Bear the date of the complaint; and
 - (c) Bear the signature of the person making the complaint.
- (3) The board may, at any time, conduct an investigation on its own initiative without receipt of a written complaint if the board has reason to believe that there may be a violation of KRS Chapter 327 or the administrative regulations of the board.
- (4) A certified copy of a court record for conviction of a misdemeanor or felony shall be considered a valid initiating complaint.
- (5) An initiating complaint may be received by:
 - (a) A board member;
 - (b) The Office of the Attorney General; or
 - (c) A staff member.

Section 3. Consideration of Initiating Complaint.

- (1) Review of an initiating complaint shall take place:
 - (a) At the next regularly-scheduled meeting of the complaint committee; or
 - (b) As soon as practicable.
- (2) The Complaint Committee:
 - (a) Shall:
 - 1. Review the initiating complaint;
 - 2. Determine if an investigation is warranted; and
 - 3. If investigation is warranted, appoint one (1) of its members or an agent or representative of the board to conduct an investigation of the respondent.
 - (b) May be assisted by:
 - 1. Board staff;
 - 2. A board agent; or
 - 3. The Office of the Attorney General.
- (3) Notice to respondent.
 - (a) The board shall notify the respondent of the receipt of the initiating complaint and the essential contents of the initiating complaint. The board may keep the complainant's name confidential until completion of any board investigation.
 - (b) Respondent shall file a reply to the initiating complaint with the board within twenty (20) days after receipt of notice of the initiating complaint.
 - (c) Failure of the respondent to file a timely reply to the initiating complaint shall constitute a violation of a board order or administrative regulation and shall be grounds for disciplinary action under KRS 327.070(2)(k).
- (4) Based on consideration of the initiating complaint and the investigative report, the board shall determine if there has been a prima facie violation upon summary and recommendation by the complaint committee. The members of the complaint committee shall not vote on this determination.
- (5) If it is determined that the facts alleged constitute a prima facie violation, the board:
 - (a) Shall issue a formal complaint, in accordance with KRS Chapter 13B, against the:
 - 1. Licensee;
 - 2. Certificate holder; or
 - 3. Applicant; and
 - (b) May order that a written response be filed with the board; or
 - (c) If it is determined that there is a prima facie violation of KRS 327.020, shall proceed under KRS 327.040(2).

Section 4. Procedures for Disciplinary Hearings.

- (1) All procedures for disciplinary hearings shall conform to KRS Chapter 13B.
- (2) Testimony to be considered by the board, hearing panel, or hearing officer, if any, may be taken by deposition. A party or witness may be allowed to testify by deposition, rather than attend the hearing, upon a showing of inability to attend and a showing that other parties shall have an opportunity to cross-examine at said deposition. The presiding officer or hearing officer, if any, shall rule upon motions to allow testimony to be considered by deposition.
- (3) The presiding officer or hearing officer, if any, may order that at least five (5) days prior to the hearing, each party shall file a summary of each witness' expected testimony.

Section 5. Final Disposition.

- (1) Upon reaching a decision, the board shall notify, in writing by certified mail, the complainant and respondent of its final disposition of the matter.
- (2) The board shall make public:
 - (a) Its final order in a disciplinary action under KRS 327.070(1)(a)-(e) and (g).
 - (b) An action to restrain or enjoin the unlicensed practice of physical therapy.

Section 6. Settlement by Informal Proceedings.

- (1) The board through counsel and the complaint committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.
- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.
- (3) The board may employ mediation as a method of resolving the matter informally. (7 Ky.R. 864; eff. 6-3-81; Am. 11 Ky.R. 417; eff. 10-9-84; 12 Ky.R. 217; eff. 9-10-85; 13 Ky.R. 904; eff. 12-2-86; 16 Ky.R. 2440; eff. 8-17-90; 21 Ky.R. 1363; eff. 1-9-95; 28 Ky.R. 917; 1356; eff. 12-19-2001; 29 Ky.R. 1308; eff. 1-15-2003.)

201 KAR 22:053. Code of ethical standards and standards of practice for physical therapists and physical therapists' assistants.

RELATES TO: KRS 327.040, 327.070

STATUTORY AUTHORITY: KRS 327.040(11), (12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) and (12) authorize the Board of Physical Therapy to establish by administrative regulation a code of ethical standards and standards of practice for physical therapists and physical therapist's assistants. This administrative regulation establishes those standards which, if violated, are a basis for disciplinary action under KRS 327.070.

Section 1. Definitions.

- (1) "Board" means the Kentucky State Board of Physical Therapy.
- (2) "Full time" means employment for forty (40) hours a week.
- (3) "On-site supervision" means immediate physical accessibility within the same building.
- (4) "Supportive personnel" means a person assisting in direct patient care who is not licensed or certified by the board to provide physical therapy.

Section 2. Code of Ethical Standards for the Physical Therapist and Physical Therapist's Assistant. Physical therapists and physical therapist's assistants shall:

- (1) Respect the rights and dignity of all individuals;
- (2) Maintain the confidentiality of patient information unless the patient or his appointed representative consents to its release;
- (3) Provide accurate information to the consumer; and
- (4) Report unethical, incompetent or illegal acts to the board.

Section 3. Standards of Practice for the Physical Therapist. When engaged in the practice of physical therapy, a physical therapist shall:

- (1) Evaluate each patient. The patient shall be evaluated:
 - (a) Prior to initiation of any treatment;
 - (b) Upon receipt of a patient from another physical therapy service, facility or agency; and
 - (c) When requested by a referring professional;
- (2) Refer the patient to other professionals or services when the treatment or service is beyond his scope of practice;
- (3) Be responsible for the physical therapy record of each patient;
- (4) Provide services that meet or exceed the generally accepted practice of the profession;
- (5) Explain the plan of care to the patient, to others designated by the patient, and to appropriate professionals;
- (6) Make it clear to the patient that the patient has the right to choose any qualified professional or equipment supply companies if the physical therapist makes recommendations for those;
- (7) Disclose in writing to each patient any financial interest or compensation or other value to be received by the referral source:
 - (a) For services provided by the physical therapist;
 - (b) For equipment rental or purchase; and

- (c) For other services the physical therapist might recommend for the patient.
- (8) Unless prohibited by law, as members of a business entity be allowed to pool or apportion fees received in accordance with any business agreement.

Section 4. Standards of Practice for the Physical Therapist's Assistant. When engaged in the practice of physical therapy the physical therapist's assistant shall:

- (1) Provide services only under the supervision and direction of a physical therapist;
- (2) Refuse to carry out procedures that he believes are not in the best interest of the patient or that he is not competent to provide by training or skill level;
- (3) Initiate treatment only after evaluation by the physical therapist;
- (4) Upon direction from the physical therapist, gather data relating to the patient's disability, but not determine the significance of the data as it pertains to the development of the plan of care;
- (5) Refer to the physical therapist inquiries that require an interpretation of patient information related to rehabilitation potential;
- (6) Comply with the plan of supervision established by the physical therapist;
- (7) Communicate with the physical therapist any change or lack of change which occurs in the patient's condition which may indicate the need for reassessment; and
- (8) Discontinue physical therapy services if reassessments are not done in compliance with Section 5(3)(f)-(i) of this administrative regulation, and communicate to the appropriate parties.

Section 5. Standards for Supervision. When supervising the physical therapist's assistant and supportive personnel, the physical therapist shall:

- (1) Prepare a written plan for the training and supervision of supportive personnel. The plan shall be reviewed annually and revised as necessary. The plan shall be readily available for review by all physical therapists and physical therapist's assistants who work with the supportive personnel and shall include:
 - (a) A list of clinical competencies of each supportive personnel;
 - (b) The method for monitoring and supervising care provided by supportive personnel; and
 - (c) The date and signature of the supervisor and supportive personnel governed by the plan.
- (2) At all times, including all work locations, be limited to:
 - (a) Supervising no more than four (4) full-time physical therapist's assistants or supportive personnel; or
 - (b) The number of those persons providing part-time patient care for a period equivalent to that provided by four (4) full-time providers of patient care; except
 - (c) Temporary failure to abide by the maximum staffing ratio of physical therapists to physical therapist's assistants or supportive personnel required in this section for a period not to exceed seven (7) consecutive work days shall not constitute a violation of this standard.
- (3) Be responsible for:
 - (a) Interpreting any referral;
 - (b) Conducting the initial physical therapy evaluation;
 - (c) Establishing reporting procedures to be followed by the physical therapist's assistant and supportive personnel;
 - (d) Evaluating the competency of physical therapist's assistants and supportive personnel;
 - (e) Supervising the physical therapist's assistant and supportive personnel;
 - (f) Reassessing inpatients in either a hospital or comprehensive rehabilitation facility every fourteen (14) days;
 - (g) Reassessing every ninety (90) days, with the physical therapist's assistant present, patients in:
 - 1. A facility defined in 902 KAR 20:086 as an intermediate care facility (ICF) for the mentally retarded (MR) and developmentally disabled (DD); or
 - 2. A school system. A forty-five (45) day grace period shall be allowed upon transfer from another school district or from the start of the school year. During this grace period treatment may continue based upon the previous reassessment or initial evaluation;
 - (h) Reassessing each patient not otherwise noted after the earlier of every:
 - 1. Twenty (20) physical therapy visits; or
 - 2. Thirty (30) days following the initial evaluation or subsequent reassessment
 - (i) Reassessing a patient whose medical condition has changed;
 - (j) Establishing discharge planning for patients who require continued physical therapy;
 - (k) Altering, extending, refusing or discontinuing treatment by the physical therapy service;
 - (l) Insuring that when supportive personnel provide direct patient care that there is on-site supervision by a physical therapist or physical therapist's assistant; and
 - (m) Insuring that physical therapist students and physical therapist's assistant students fulfilling the clinical education requirements of an CAPTE accredited program in physical therapy shall receive on-site supervision by a

physical therapist.

Section 6. Standards for Documentation. The physical therapist is responsible for the physical therapy record of a patient. The physical therapy record shall consist of:

- (1) The initial evaluation, a written report signed and dated by the physical therapist performing the evaluation which shall include:
 - (a) The patient's name, age and sex;
 - (b) Referral source, if appropriate;
 - (c) Pertinent medical and social history;
 - (d) Symptoms and date of onset;
 - (e) Medical diagnosis, if available;
 - (f) Subjective information;
 - (g) Appropriate objective testing;
 - (h) Precautions and contraindications;
 - (i) Problems, interpretation, assessment;
 - (j) Plan of care, including:
 1. Treatment to be rendered;
 2. Frequency and duration of treatment;
 3. Referral to other professionals, if indicated;
 4. Patient education and instruction; and
 5. Measurable goals.
- (2) Progress notes, which are written, signed and dated by the person rendering treatment, and countersigned and dated by the physical therapist when written by supportive personnel, physical therapist students, physical therapist's assistant students, or examination candidates. The progress notes shall include:
 - (a) A current record of treatment;
 - (b) Patient's response to treatment;
 - (c) Any factors affecting treatment; and
 - (d) Data obtained by all objective tests performed.
- (3) Reassessment, which is written, signed and dated by a physical therapist. This reassessment shall be in compliance with Section 5(3)(f) through (i) of this administrative regulation. If the physical therapist is treating the patient, these reports may be incorporated into the progress notes. If a physical therapist's assistant or supportive personnel are treating the patient, the report shall be a separate entry into the record. A reassessment shall include directly observed objective, subjective, and medical data necessary for the revision or reaffirmation of the plan of care and measurable goals.
- (4) Discharge summary, which is the written, signed, and dated statement of the patient's physical therapy status upon discharge, including reference to previously established goals and program plan. A physical therapist's assistant may write the discharge summary which shall be countersigned by the responsible physical therapist. The discharge summary shall include:
 - (a) Data and reason for discharge;
 - (b) Objective data related to the initial evaluation and subsequent review;
 - (c) A complete and accurate summary of the patient's status at the time of discharge. Status includes functional ability, increase or limitation of range of motion, decrease or increase of pain, muscle power, general physical and mental condition including tolerance; and
 - (d) Discharge plan, which includes any recommendations the physical therapist has regarding the need for continuing physical therapy.
- (5) The correct designation following the signature of the person who has entered a statement into the patient record shall be as follows:
 - (a) If written by a physical therapist or a physical therapist candidate granted a temporary permit by the board: "PT";
 - (b) If written by a physical therapist's assistant or a physical therapist's assistant examination candidate granted a temporary permit by the board: "PTA";
 - (c) If written by supportive personnel: "PT Aide", or "Physical Therapy Aide" or "PT Tech"; and
 - (d) If written by students: "Physical Therapist Student" or "PT Student"; "Physical Therapist's Assistant Student" or "PTA Student". (16 Ky.R. 2616; Am. 17 Ky.R. 34; 1350; eff. 8-17-90; 18 Ky.R. 1379; eff. 1-10-92; 28 Ky.R. 132; 559; eff. 9-10-2001.)

201 KAR 22:061. Endorsement.

RELATES TO: KRS 327.060

STATUTORY AUTHORITY: KRS 327.040(11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.060 authorizes the board to issue a license to a person holding a license in another state. This administrative regulation authorizes the executive director of the board to issue credentials of Kentucky licensees and certificants to licensing authorities of other states and territories.

Section 1. Physical Therapists. Upon request of an actively or formerly licensed physical therapist in this state, and payment of a fifteen (15) dollar administrative fee, the board shall furnish to the licensing board of another state or territory, or to the individual licensee, the credentials of the physical therapists' license in the state of Kentucky.

Section 2. Assistants. Upon request of an individual who is certified or has been certified as a physical therapist's assistant in this state and payment of a fifteen (15) dollar administrative fee, the board shall furnish to the licensing board of another state or territory or to the individual certificant, the credentials of the physical therapists' assistant certificate in the state of Kentucky. (7 Ky.R. 361; eff. 11-6-80; Am. 27 Ky.R. 2225; 2727; eff. 4-9-2001.)

201 KAR 22:070. Requirements for foreign-educated physical therapists.

RELATES TO: KRS 327.040(1), (10), 327.060

STATUTORY AUTHORITY: KRS 327.040(1), (10), 327.060(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.060(1)(b) establishes requirements, including education and experience requirements, for licensure of foreign-educated physical therapists. KRS 327.060(3) authorizes the board to approve services to provide an evaluation of an applicant's educational credentials. This administrative regulation establishes the requirements a foreign-educated physical therapist shall satisfy to become licensed in the state of Kentucky. Because of variances in curriculums of foreign countries, specific requirements are needed to insure that the applicant possesses adequate educational and clinical preparation.

Section 1. A foreign-educated physical therapist applicant shall be licensed if the applicant:

- (1) Furnishes the board an original favorable educational credentials evaluation report from:
 - (a) International Credentialing Associates, Inc. (ICA);
 - (b) Foreign Credentialing Commission on Physical Therapy (FCCPT); or
 - (c) If the report is submitted prior to August 31, 2002, International Consultants of Delaware, Inc.;
- (2) Has graduated from a recognized physical therapy program in the country in which he was educated. The applicant shall have earned a degree substantially equivalent to a program in physical therapy accredited by the Commission for Accreditation of Physical Therapy Education (CAPTE);
- (3) Speaks English as his or her native language or has submitted the results of the Test of Spoken English (TSE) with a total score of at least fifty (50);
- (4) Provides proof that he or she has attained legal authorization to reside and work without limitations in any US jurisdiction. If required to undergo prescreening for immigration purposes, the board approves use of the Foreign Credentialing Commission on Physical Therapy (FCCPT) or other agencies approved by US Immigration and Naturalization Service to provide this service;
- (5) Provides for verification of licensure without limitations directly from the licensing authority in the county of education to an approved credentials evaluation service listed in subsection (1) of this section;
- (6) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:040 and 201 KAR 22:135;
- (7) Has successfully completed:
 - (a) Not less than three (3) months and no more than six (6) months of practice under the on-site supervision of a physical therapist licensed under KRS Chapter 327 at a Kentucky facility previously approved by the board which satisfies the following requirements:
 1. The supervised practice shall be in a facility which is serving as a clinical education site for students enrolled in a program in physical therapist education accredited by the Commission for Accreditation of Physical Therapy Education (CAPTE);
 2. The applicant shall work only with on-site supervision until a minimum score of three and five-tenths (3.5) with no ones (1.0) or twos (2.0) on a four (4.0) point scale has been achieved utilizing the Evaluation Form to Assess Physical Therapy Skills of Foreign Educated Applicant for Licensure. The clinical supervisor shall submit the evaluation to the board after three (3) months practice, and if required, after the sixth month, when the required score denoting clinical competency shall have been reached;
 3. The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of a CAPTE accredited program; and
 4. The supervisor shall countersign all of the candidate's physical therapy records within fourteen (14) days; or

- (b) Three (3) months of supervised practice in a state with licensure requirements at least comparable to those of Kentucky. Evidence of that experience in a comparable facility outside Kentucky shall be in writing confirming successful completion and satisfactory performance; and
- (8) Successfully completes the examination and HIV/AIDS education requirements as specified in KRS 327.050.

Section 2. Temporary Permits for Foreign-educated Physical Therapist Applicants.

- (1) An applicant for licensure by examination, or an applicant who has not yet satisfactorily completed three (3) months of supervised practice as a physical therapist shall be issued a temporary permit to practice under the supervision of a designated Kentucky licensed therapist if he has:
 - (a) Completed the requirements of Section 1(1) to (6) of this administrative regulation; and
 - (b) Submitted an approved "Supervisory Agreement for Physical Therapists Educated in a Foreign Country".
- (2) All requirements for licensure shall be completed within six (6) months from the beginning of the supervised practice. If not completed within that time period, the temporary permit shall be revoked and the applicant shall no longer work in Kentucky as a physical therapist.

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) Evaluation Form to Assess Physical Therapy Skills of Foreign Educated Applicant for Licensure, November 2001; and
 - (b) "Supervisory Agreement for Physical Therapists Educated in a Foreign Country 10/12/00".
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the board office at 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. (2 Ky.R. 79; eff. 9-10-75; Am. 7 Ky.R. 310; 443; eff. 11-6-80; 11 Ky.R. 419; eff. 10-9-84; 12 Ky.R. 1353; eff. 3-4-86; 13 Ky.R. 1710; eff. 5-14-87; 18 Ky.R. 336; eff. 9-24-91; 19 Ky.R. 450; 868; eff. 10-8-92; 22 Ky.R. 615; 1975; eff. 11-15-95; 27 Ky.R. 1324; 1768; eff. 1-15-2001; 28 Ky.R. 1450; 1796; eff. 2-7-2002.)

201 KAR 22:101. Eligibility and method of applying for physical therapist's assistant certification.

RELATES TO: KRS 327.040(12)

STATUTORY AUTHORITY: KRS 327.040(12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the board to promulgate administrative regulations to regulate physical therapist's assistants, including requirements for certification. This administrative regulation establishes the requirements for certification as a physical therapist's assistant.

Section 1. A physical therapist's assistant shall be a skilled health care worker who performs physical therapy and related duties as assigned by the physical therapist.

- (1) This work shall be carried out only under the supervision and direction of the therapist to whom the employee is responsible.
- (2) Supervision of a physical therapist's assistant requires the responsible physical therapist to be available and accessible by telecommunications to the assistant at all times during the working hours of the assistant and to be responsible for the direction of the actions of the person supervised when services are performed by the assistant.
- (3) (a) Only individuals certified as a physical therapist's assistant may hold himself out as a physical therapist's assistant, and may use the initials PTA or CPTA, or in any other manner imply that he is a physical therapist's assistant in designating his title.
 (b) A person shall not act, or hold himself out to be able to act, as an assistant in this state unless the person is certified in accordance with 201 KAR Chapter 22.

Section 2. To be eligible for the certification examination, the applicant shall:

- (1) Have successfully completed the academic and clinical requirements of a physical therapist's assistant program accredited by the Commission for Accreditation of Physical Therapy Education (CAPTE), or been approved by the board as a special candidate for certification in accordance with 201 KAR 22:106;
- (2) Submit certification of completion by the educational administrator of the program;
- (3) Have completed an educational course at least four (4) hours in length which has been approved by the Cabinet for Health Services (CHS) on the transmission, control, treatment, and prevention of human immunodeficiency virus infection and AIDS;
- (4) Submit a completed Application for Certification as a Physical Therapist's Assistant; and
- (5) Submit the correct fee as required in 201 KAR 22:135.

Section 3. To be eligible for certification application by endorsement, the applicant shall:

- (1) Meet the requirements established in Section 2(1), (3), (4), and (5) of this administrative regulation; and
- (2) Have successfully completed the examination required by 201 KAR 22:031, Section 1(2).

Section 4. Four (4) types of candidates may be accepted for certification:

- (1) Examination, if the requirements of Section 2 of this administrative regulation are met;
- (2) Endorsement, if the requirements of Section 3 of this administrative regulation are met;
- (3) Reinstatement, if the requirements of 201 KAR 22:106, Section 6, are met; and
- (4) Special, if the requirements of 201 KAR 22:106, Section 7, are met.

Section 5. Incorporation by Reference.

- (1) Application for Certification as a Physical Therapist's Assistant, 02/01/01, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Physical Therapy, 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. (7 Ky.R. 361; Am. 444; eff. 11-6-80; 826; eff. 6-3-81; 16 Ky.R. 2441; eff. 8-17-90; 18 Ky.R. 338; eff. 9-24-91; 28 Ky.R. 1451; 1797; eff. 2-7-2002.)

201 KAR 22:106. Assistant's certification procedure.

RELATES TO: KRS 327.040

STATUTORY AUTHORITY: KRS 327.040

NECESSITY, FUNCTION, AND CONFORMITY: Because certification may be achieved in several ways, this administrative regulation defines the types of candidates and procedure for making application to the State Board of Physical Therapy as a candidate for certification as a physical therapist's assistant.

Section 1. The fee for application for certification is established in 201 KAR 22:135. Upon approval as a candidate by the board, the board shall grant approval to sit for the National Physical Therapy Examination (NPTE) for the physical therapist's assistant.

Section 2. When the credentials of the applicant are in order, application for certification and examination are approved and the board is in receipt of a completed "Supervisory Agreement Statement", a temporary permit shall be issued to be in force until the results of that examination are received, processed and the candidate has been notified of the results.

- (1) A temporary permit requires that the physical therapist's assistant candidate work only with on-site supervision of a physical therapist licensed in Kentucky who shall cosign and date all of the physical therapist's assistant's physical therapy patient records within seven (7) days of the recording.
- (2) The board may issue a temporary permit to:
 - (a) Graduates who have applied for certification by examination, have met all requirements and are sitting for the NPTE.
 - (b) Graduates who have been accepted as a candidate for certification by NPTE in another state that participates in computer-based testing and who have met all requirements for Kentucky application, but have not yet taken the examination.
- (3) The board may require any applicant for a temporary permit to submit, or cause to be submitted, a NPTE test verification history service report with the board before the applicant is eligible to receive a temporary permit.

Section 3.

- (1) The following candidates shall be ineligible to practice as a physical therapist's assistant in any manner in Kentucky until they have successfully completed the board approved examination in this or another state:
 - (a) A person who has failed the NPTE in this or another state or country.
 - (b) A person who had qualified as an examination candidate but who failed to take or complete the scheduled examination; and
 - (c) An endorsement candidate whose NPTE results do not meet Kentucky's requirements.
- (2) To be examined, or reexamined in Kentucky, any candidate listed in subsection (1) of this section shall have applied for certification by examination and have met all application requirements. An administrative fee of ten (10) dollars shall be paid by the applicant for reexamination.

Section 4. Candidates examined by boards of other states or territories shall have registered with the Federation of State Boards of Physical Therapy (FSBPT) Score Transfer Service to have their examination results submitted to the board.

Section 5. The candidate for certification by endorsement shall submit the regular application form.

- (1) The Kentucky State Board of Physical Therapy shall endorse a candidate who has taken the NPTE whose examination score which meets the Kentucky board's requirements and has never had a physical therapist's assistant certificate revoked or suspended or whose certificate is currently not on probation or under disciplinary review in another state.
- (2) A passing score in Kentucky for the person who took the NPTE prior to July 1, 1993 shall be at least equal to the national average raw score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75); and thereafter, the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600.
- (3) The application fee, which shall be submitted to the executive director of the board is established in 201 KAR 22:135.
- (4) Other examinations as determined by the board can be administered in lieu of, or in addition to, the NPTE.

Section 6. The candidate for reinstatement may have his certificate reinstated without further examination upon payment of the reinstatement fee established in 201 KAR 22:135 and furnishing all information required of a certification renewal applicant in 201 KAR 22:110 to the executive director of the board.

- (1) Assistants applying for reinstatement who have not been certified for three (3) or more years and who have not been lawfully employed as an assistant in another state shall, in addition, be required to work with on-site supervision for a maximum period of time of up to six (6) months, and after an evaluation of the period of supervision, the board may require the applicant to be reexamined.
- (2) An assistant who has been licensed and working in another state shall be required to provide verification that his license to practice in that state has not been disciplined or is not under current disciplinary review.
- (3) Reinstatement of the candidate shall be at the board's discretion after evaluation of all evidence.

Section 7. Physical therapist candidates who fail to pass the physical therapists' licensure examination may become special candidates for physical therapist's assistant certification by applying for certification by examination and successful completion of that examination.

Section 8. Certification, which shall be in effect until March 31 of the next uneven numbered year shall be issued by the board when candidates for certification by endorsement and reinstatement have met all requirements and the board has received notice from the FSBPT that the candidate by examination has received a passing grade of at least the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600.

Section 9.

- (1) "Supervisory Agreement Statement for Physical Therapist's Assistants 04-12-90" is incorporated by reference.
- (2) This form may be inspected, copied, or obtained, subject to applicable copyright law, at the board office at 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, between 8 a.m. to 4:30 p.m. (7 Ky.R. 362; Am. 445; eff. 11-6-80; 827; eff. 6-3-81; 10 Ky.R. 779; eff. 1-4-84; 11 Ky.R. 420; eff. 10-9-84; 12 Ky.R. 218; eff. 9-10-85; 13 Ky.R. 2023; eff. 7-2-87; 16 Ky.R. 1621; eff. 4-12-90; 19 Ky.R. 2293; eff. 6-7-93; 21 Ky.R. 67; 917; eff. 8-17-94; 23 Ky.R. 173; eff. 8-21-96; 27 Ky.R. 1535; 2125; eff. 2-1-2001.)

201 KAR 22:110. Renewal of assistant's certification. Repealed (Included in 201 KAR 22:040)

201 KAR 22:130. Per diem of board members.

RELATES TO: KRS 327.080

STATUTORY AUTHORITY: KRS 327.030(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.030(6) establishes that board members shall receive a per diem not to exceed \$120 per day for each day the member is actually engaged in the discharge of official duties. This administrative regulation outlines the per diem members will receive when required to represent the board or attend its meetings.

Section 1. Each member of the board shall be entitled to receive a per diem of seventy-five (75) dollars for attending each meeting of the board or otherwise representing the board. (9 Ky.R. 746; eff. 1-6-83; Am. 27 Ky.R. 1055; 1449; eff. 12-21-2000.)

201 KAR 22:135. Fees.

RELATES TO: KRS 327.040(12), 327.050(2), (8), 327.075(1), 327.080(1)

STATUTORY AUTHORITY: KRS 327.040(12), 327.050(2), (8), 327.075(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(12) authorizes the board to establish reasonable fees for the certification, renewal and endorsement of physical therapists' assistants. KRS 327.050(2) requires the board to

establish a nonrefundable application fee not to exceed \$250 for licensure as a physical therapist. KRS 327.050(8) requires the board to establish a biennial renewal fee to be set by administrative regulation for a license. KRS 327.075(1) requires the board to establish a reinstatement fee to be set by administrative regulation for a lapsed license or certificate. This administrative regulation establishes the fees required to apply for physical therapist (PT) licensure or physical therapist's assistant (PTA) certification, for application, reinstatement, or renewal.

Section 1. Payment of Fees.

- (1) Except as provided in subsection (2) of this section, an application fee shall be:
 - (a) Made payable as required by KRS 327.080(1); and
 - (b) Paid by:
 1. Cashier's check;
 2. Certified check; or
 3. Money order.
- (2) A renewal application fee shall be paid:
 - (a) As required by subsection (1) of this section; or
 - (b) By personal check.

Section 2. Fees. The fee for:

- (1) Physical therapist licensure and for physical therapist's assistant certification application shall be \$170;
- (2) Reinstatement application shall be \$150 plus the impaired practitioner's assessment as set forth in 201 KAR 22:140, Section 1;
- (3) Renewal application shall be \$100 plus the impaired practitioner's assessment as set forth in 201 KAR 22:140, Section 1. (13 Ky.R. 2161; eff. 7-2-87; Am. 16 Ky.R. 1623; eff. 4-12-90; 18 Ky.R. 340; eff. 9-24-91; 19 Ky.R. 83; 868; eff. 10-8-92; 1402; eff. 1-27-93; 21 Ky.R. 69; eff. 8-17-94; 23 Ky.R. 175; eff. 8-21-96; 25 Ky.R. 2432; 2838; eff. 6-16-99; 26 Ky.R. 1695; 1945; eff. 5-10-2000; 27 Ky.R. 1055; eff. 12-21-2000.)

201 KAR 22:140. Funding of impaired physical therapy practitioners committee.

RELATES TO: KRS 327.040(13), 327.045, 327.070(2)(a)

STATUTORY AUTHORITY: KRS 327.045(4)

NECESSITY, FUNCTION, and CONFORMITY: KRS 327.045(4) requires the board to promulgate an administrative regulation establishing the assessment fee to be collected by the board as part of the license renewal application fee of each physical therapist and certification renewal application fee of each physical therapist's assistant. This administrative regulation establishes the assessment fee.

Section 1.

- (1) An assessment fee of twenty (20) dollars shall be paid to the board by each licensee or credentials holder, in addition to the license and credentials renewal application fee established in 201 KAR 22:135.
- (2) The assessment fee shall be paid at the time of renewal of the license or certificate each time the license or certificate is renewed. (13 Ky.R. 2161; eff. 7-2-87; Am. 16 Ky.R. 1623; eff. 4-12-90; 18 Ky.R. 340; eff. 9-24-91; 19 Ky.R. 83; 868; eff. 10-8-92; 1402; eff. 1-27-93; 21 Ky.R. 69; eff. 8-17-94; 23 Ky.R. 175; eff. 8-21-96; 25 Ky.R. 2432; 2838; eff. 6-16-99; 26 Ky.R. 1695; 1945; eff. 5-10-2000; 27 Ky.R. 1115; 1449; eff. 12-21-2000.)

201 KAR 22:150. Impaired Practitioners Alternative Program.

RELATES TO: KRS 327.040, 327.045

STATUTORY AUTHORITY: KRS 327.040(13), 327.045

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.045 and 327.040(13) authorize the board to establish an impaired physical therapist's committee to promote early identification, intervention, treatment, and rehabilitation of physical therapists and physical therapist's assistants who may be impaired by reason of illness, alcohol or drug abuse, or as a result of any physical or mental condition. This administrative regulation provides procedures for the implementation of an alternative program.

Section 1. Definitions.

- (1) "Approved treatment provider" means an alcohol or drug treatment provider that meets the standards as set out in Section 6 of this administrative regulation.
- (2) "Board" means the Board of Physical Therapy.
- (3) "Chemically-dependent individual" means a physical therapist, physical therapist's assistant or applicant for a credential issued by the board whose ability to practice according to acceptable and prevailing standards of care is

- or may be impaired by reason of alcohol or drug abuse.
- (4) "Program" means the Practitioners Alternative Care Effort (PACE) which is the alternative program operated by the board for physical therapist, physical therapist's assistants or applicants for a credential issued by the board.
 - (5) "Participant" means a "chemically-dependent individual" who has been accepted into the "program".

Section 2. Admission and Denial to the Program.

- (1) In order to gain admission to the program, an individual shall:
 - (a) Be a licensed physical therapist or a certified physical therapist's assistant in the Commonwealth of Kentucky or an applicant for a credential issued by the board;
 - (b) Request participation in the program regardless of whether referred by the board, self, or another person;
 - (c) Be a licensed physical therapist or a certified physical therapist's assistant currently enrolled in a state-approved alternative program, if requesting licensure by endorsement from another state;
 - (d) Admit in writing to being a chemically-dependent individual;
 - (e) Agree in writing to the terms set forth in the program agreement;
 - (f) Obtain a current chemical dependency assessment, which includes a complete physical and psychosocial evaluation performed by a licensed or certified medical, mental health, or psychological specialist in the field of drug, alcohol, or other chemical dependency;
 - (g) Provide any evaluation and treatment information, disclosure authorizations, and releases of liability as may be requested by the program staff;
 - (h) Agree to not be employed in any capacity in a patient care setting or one which requires licensure until approved to do so by the program staff; and
 - (i) Have attended an approved treatment provider program.
- (2) Admission to the program shall be denied if the applicant:
 - (a) Does not meet the eligibility requirements for admission as set by subsection (1) of this section;
 - (b) Is not eligible for a credential from the board in Kentucky;
 - (c) Diverted any prescription drug for other than self-administration;
 - (d) In the opinion of the program staff, will not substantially benefit from participation in the program;
 - (e) Has a criminal conviction related to the sale or distribution of scheduled substances or legend prescription drugs; or
 - (f) Has been terminated from alternative program participation in Kentucky or any other state.

Section 3. Requirements for Participation in the Program.

- (1) A participant shall:
 - (a) Enter into a program agreement; and
 - (b) Comply with all of the terms and conditions of the program agreement for the time period specified in the agreement.
- (2) The program agreement shall be updated and modified as needed to address the participant's progress in recovery and may include any of the following:
 - (a) A requirement that the participant undergo and successfully complete chemical dependency treatment by an approved treatment provider;
 - (b) A requirement that the participant agree not to practice in any capacity in a patient care setting or one which requires licensure until approved to do so by the program;
 - (c) A requirement that the participant undergo and successfully complete the continuing care program recommended by the approved treatment provider and designated in the program agreement. The continuing care program may include individual or group counseling or psychotherapy;
 - (d) A requirement that the participant remain free of alcohol, over-the-counter medications containing alcohol, or mood-altering substances including herbal preparations and any other medication except for substances prescribed by a practitioner authorized by law to prescribe for a specific medical condition;
 - (e) A requirement that the participant inform all treating health care practitioners of the participant's chemical dependency and recovery status prior to receiving a prescription for any medication, mood-altering substance, or herbal preparation;
 - (f) A requirement, when a participant is required to take any substance prescribed or recommended by a practitioner, that the participant provide the program written documentation from the practitioner that the use of the substance does not impair the participant's ability to practice physical therapy in a safe and effective manner and will not interfere with the participant's recovery program provided the substance is used in accordance with the prescription or recommendation;
 - (g) A requirement that if the participant is prescribed, recommended, or dispensed any medication by a practitioner, the participant shall cause the practitioner to complete a medication report form provided by the

program. The medication report form shall include the diagnosis and a copy of any prescription from any physician, and shall be submitted to the program within the time specified in the program agreement. Consultation with a physician addictionologist may be required by the program and the participant shall agree to abide by any determination made by the physician addictionologist;

- (h) A requirement that the participant have all treatment providers and counselors provide any reports as may be required by the program at the intervals specified in the program agreement;
- (i) A requirement that the participant submit to random alcohol and drug testing when requested by the program, and that the participant comply with all requirements of the program concerning random alcohol and drug testing;
- (j) A requirement that the participant attend health professionals' support group and twelve (12) step group meetings as specified by the program agreement, and that the participant verify attendance at these meetings by signature of a group or meeting representative and submit the signatures to the program;
- (k) A requirement that the participant comply with the employment restrictions specified by the program agreement;
- (l) A requirement that the participant sign a waiver which would allow the program to communicate with the participant's treatment providers, counselors, employers, work site monitors, law enforcement officials and health professionals' support group facilitators, if applicable;
- (m) A requirement that the participant be responsible for paying the costs of the physical and psychosocial assessment, chemical dependency treatment, and random alcohol and drug testing, or any other costs incurred in complying with the program agreement;
- (n) A requirement that the participant submit a written personal report to the program at the intervals specified by the program agreement;
- (o) A requirement that the participant meet in person with a program representative at the intervals specified by the program agreement; or
- (p) A requirement that the participant comply with all other terms and conditions specified in the program agreement which the program staff determines are necessary to ensure that the participant is able to practice physical therapy in accordance with acceptable and prevailing standards of safe patient care.

Section 4. Successful Completion of the Program.

- (1) A participant successfully completes the program when the participant fully complies with all of the terms of the program agreement for the period as specified in the agreement.
- (2) When a participant successfully completes the program, the program shall notify the participant of the successful completion in writing. Once the participant receives this written notification of successful completion of the program, the participant shall no longer be required to comply with the program agreement.
- (3) A participant who successfully completes the program shall not be reported to the Healthcare Integrity and Protection Data Bank (HIPDB).

Section 5. Causes for Termination from the Program. A participant shall be terminated from the program for the following causes:

- (1) Noncompliance with any aspect of the program agreement;
- (2) Receipt of information by the board, other than an administrative reprimand or a private admonishment which, after investigation, results in disciplinary action by the board; or
- (3) Being unable to practice according to acceptable and prevailing standards of safe physical therapy.

Section 6. Standards for Approved Treatment Providers. In order to be an approved treatment provider, the treatment provider shall:

- (1) Be accredited by the Joint Commission for the Accreditation of Healthcare Organizations or be state-certified and shall have operated as a chemical dependency treatment program for a minimum of one (1) year;
- (2) Provide inpatient or outpatient care;
- (3) Be based on a twelve (12) step program of Alcoholics Anonymous/Narcotics Anonymous or equivalent support group;
- (4) Provide development of an individualized treatment and aftercare program to meet the specific needs of the participant and make recommendations regarding an ongoing rehabilitation plan;
- (5) Be based on evaluation by a multidisciplinary team, which includes a psychiatrist, addictionologist, licensed counseling staff, and a core of referral specialists;
- (6) Provide adequate detoxification services, including medical support and motivational support with no use of mood-altering drugs past detoxification period unless prescribed by a practitioner consistent with Section 3 of this administrative regulation;

- (7) Provide clearly-stated costs and fees for services, and offer fee schedules and flexibility in payment plans to accommodate participants who are underinsured or experiencing financial difficulties;
- (8) Demonstrate willingness to provide information to the alternative program regarding the status of the participant after appropriate consents to release information are obtained;
- (9) Work closely with the alternative program staff to assure proper implementation and administration of policies and procedures related to the program;
- (10) Maintain timely and accurate communication with program staff, including assessments, diagnosis, prognosis, discharge summary and follow-up recommendations as well as reports on significant events which occur in treatment that are related to impairment and the ability to practice safely; and
- (11) Provide monthly written reports of progress. (28 Ky.R. 1008; Am. 1358; eff. 12-19-2001.)

201 KAR 22:160. Telehealth. (not written)

RELATES TO: KRS 327.200.

STATUTORY AUTHORITY: KRS 327.200.

NECESSITY, FUNCTION AND CONFORMITY: KRS 327.200 requires the board to promulgate an administrative regulation to define “telehealth.”